

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 042469woMemh	FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, Item 5 below.	
International application No. PCT/EP2004/010604	International filing date (day/month/year) 22/09/2004	(Earliest) Priority Date (day/month/year) 22/09/2003
Applicant BIOSPECIFIC GMBH & CO. KG		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 6 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.

2. ☒ Certain claims were found unsearchable (See Box II).

3. ☐ Unity of invention is lacking (see Box III).

4. With regard to the title,

☐ the text is approved as submitted by the applicant.

☒ the text has been established by this Authority to read as follows:

COMPOUNDS FOR NEUTRALISING THE EFFECTS OF SECRETED PLA2 IIA

5. With regard to the abstract,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regards to the drawings,

a. the figure of the drawings to be published with the abstract is Figure No. _____

☐ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

b. ☐ none of the figures is to be published with the abstract.

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International Application No

PCT/EP2004/010604

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 C12N15/63 C12N1/21 C12N5/10 C07K16/40

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C12N C07K A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the International search (name of data base and, where practical, search terms used)

EPO-Internal, EMBASE, BIOSIS, PAJ, WPI Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	<p>HUNDLEY T R ET AL: "Characteristics of arachidonic acid generation in human basophils: relationship between the effects of inhibitors of secretory phospholipase A2 activity and leukotriene C4 release."</p> <p>THE JOURNAL OF PHARMACOLOGY AND EXPERIMENTAL THERAPEUTICS. MAR 1998, vol. 284, no. 3, March 1998 (1998-03), pages 847-857, XP002304897</p> <p>ISSN: 0022-3565</p> <p>abstract</p> <p>page 848, right-hand column</p> <p style="text-align: center;">-----</p> <p style="text-align: center;">-/--</p>	1-26

☒ Further documents are listed in the continuation of box C.☐ Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

T later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

X document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

Y document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

G document member of the same patent family

Date of the actual completion of the international search

15 November 2004

Date of mailing of the international search report

08/12/2004

Name and mailing address of the ISA

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Meacock, S

INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP2004/010604

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	<p>THWIN MAUNG-MAUNG ET AL: "Functional site of endogenous phospholipase A2 inhibitor from python serum." EUROPEAN JOURNAL OF BIOCHEMISTRY / FEBS. JAN 2002, vol. 269, no. 2, January 2002 (2002-01), pages 719-727, XP002304898 ISSN: 0014-2956 abstract page 721, left-hand column page 723, right-hand column - page 724, left-hand column</p>	1,16-26
X	<p>FURUE S ET AL: "Therapeutic time-window of a group IIA phospholipase A2 inhibitor in rabbit acute lung injury: correlation with lung surfactant protection." CRITICAL CARE MEDICINE. APR 2001, vol. 29, no. 4, April 2001 (2001-04), pages 719-727, XP009039628 ISSN: 0090-3493 abstract page 727, left-hand column</p>	1,16-21
X	<p>NIESSEN HANS W M ET AL: "Type II secretory phospholipase A2 in cardiovascular disease: a mediator in atherosclerosis and ischemic damage to cardiomyocytes?" CARDIOVASCULAR RESEARCH. 15 OCT 2003, vol. 60, no. 1, 4 September 2003 (2003-09-04), pages 68-77, XP002304899 ISSN: 0008-6363 abstract page 73, left-hand column - page 75</p>	1,16-21
A	<p>GRAFF J R ET AL: "Expression of group IIA secretory phospholipase A2 increases with prostate tumor grade." CLINICAL CANCER RESEARCH : AN OFFICIAL JOURNAL OF THE AMERICAN ASSOCIATION FOR CANCER RESEARCH. DEC 2001, vol. 7, no. 12, December 2001 (2001-12), pages 3857-3861, XP002304900 ISSN: 1078-0432 abstract page 3860, right-hand column</p>	

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INTERNATIONAL SEARCH REPORT

International Application No

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C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	<p>BIDGOOD M J ET AL: "Type IIA secretory phospholipase A2 up-regulates cyclooxygenase-2 and amplifies cytokine-mediated prostaglandin production in human rheumatoid synoviocytes." JOURNAL OF IMMUNOLOGY (BALTIMORE, MD. : 1950) 1 SEP 2000, vol. 165, no. 5, 1 September 2000 (2000-09-01), pages 2790-2797, XP002304901 ISSN: 0022-1767</p> <p>-----</p>	

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box II.1

Although claims 18-25 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.

Continuation of Box II.1

Rule 39.1(iv) PCT - Method for treatment of the human or animal body by therapy.

Continuation of Box II.2

Present claim 1 relates to a compound defined only by reference to a desirable characteristic or property, namely binding or inhibition of secretory phospholipase A2 IIA (sPLA2 II2) and blocking or neutralising at least one sPLA2 IIA function, or depleting sPLA2 IIA.

The claims cover all compounds having this characteristic or property, whereas the application provides support within the meaning of Article 6 PCT and/or disclosure within the meaning of Article 5 PCT for only a very limited number of such compounds. In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible.

Independent of the above reasoning, the claims also lack clarity (Article 6 PCT). An attempt is made to define the compound by reference to a result to be achieved. Again, this lack of clarity in the present case is such as to render a meaningful search over the whole of the claimed scope impossible. Consequently, the search has been carried out for those parts of the claims which appear to be clear, supported and disclosed, namely those parts relating to the compound which is an antibody.

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.

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Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:

Although claims 18-25 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.
2. ☒ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:

see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.